

HOUSE BILL No. 1110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23; IC 33-19; IC 36-1-4-6.5.

Synopsis: Uniform roadside memorials. Requires the department of transportation (INDOT) to erect uniform roadside memorials. Provides for the assessment of a memorials fee for certain alcohol related offenses and establishes the uniform roadside memorials fund for deposit of the assessments. Requires a local governmental unit that erects memorials to conform to the standards of INDOT.

Effective: July 1, 2003.

Cheney

January 7, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1110

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-23-1-42.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 42.5. "Uniform roadside memorial" means a marker**
4 **designed and erected under IC 8-23-5-9.**
- 5 SECTION 2. IC 8-23-5-9 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2003]: **Sec. 9. (a) The department shall erect uniform roadside**
8 **memorials within the right-of-way alongside the state highway**
9 **system to:**
- 10 (1) **commemorate the victims of vehicular traffic accidents;**
11 (2) **serve as a reminder to others of the duty to drive in a safe**
12 **manner; and**
13 (3) **honor public safety workers killed in the line of duty on**
14 **the state highway system.**
- 15 (b) **A request to remove or prevent placement of a uniform**
16 **roadside memorial must be made by a member of the decedent's**
17 **immediate family.**



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(c) The department may adopt rules under IC 4-22-2 for the:

- (1) application process for;
- (2) size of;
- (3) design of;
- (4) construction of; and
- (5) placement, including length of time for display, of;

uniform roadside memorials, with regard to the safety of vehicle operators, pedestrians, and employees and contractors of the department.

(d) The department shall remove roadside memorials that are not erected by the department.

(e) The department may consult and cooperate with the office of traffic safety established by IC 9-27-2-2 to carry out this section.

(f) The department may accept grants or gifts made to carry out the purpose of this section.

SECTION 3. IC 8-23-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The uniform roadside memorials fund is established to fund the projects conducted under section 9 of this chapter.

(b) The fund consists of:

- (1) the proceeds of the uniform roadside memorial fee collected under IC 33-19-6-10; and
- (2) grants and gifts accepted by the department under section 9(f) of this chapter.

(c) The fund shall be administered by the department.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the purpose stated in subsection (a).

SECTION 4. IC 33-19-5-2, AS AMENDED BY P.L.1-2002, SECTION 134, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as

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defined in IC 36-1-2-10);
the clerk shall collect from the defendant an infraction or ordinance violation costs fee of seventy dollars (\$70).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

(1) A document fee (IC 33-19-6-1, IC 33-19-6-2, IC 33-19-6-3).

(2) An alcohol and drug services program user fee (IC 33-19-6-7(b)).

(3) A law enforcement continuing education program fee (IC 33-19-6-7(c)).

(4) An alcohol and drug countermeasures fee (IC 33-19-6-10).

(5) **A uniform roadside memorial fee (IC 33-19-6-10).**

(6) A highway work zone fee (IC 33-19-6-14).

~~(7)~~ (7) A deferred prosecution fee (IC 33-19-6-16.2).

~~(8)~~ (8) A jury fee (IC 33-19-6-17).

~~(9)~~ (9) A document storage fee (IC 33-19-6-18.1).

~~(10)~~ (10) An automated record keeping fee (IC 33-19-6-19).

~~(11)~~ (11) A late payment fee (IC 33-19-6-20).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the user fee fund established under IC 33-19-8:

(1) The alcohol and drug services program user fee.

(2) The law enforcement continuing education program fee.

(3) The deferral program fee.

(d) The defendant is not liable for any ordinance violation costs fee in an action in which:

(1) the defendant was charged with an ordinance violation subject to IC 33-6-3;

(2) the defendant denied the violation under IC 33-6-3-2;

(3) proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal); and

(4) the defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

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(1) an initial user's fee not to exceed fifty-two dollars (\$52); and

(2) a monthly user's fee not to exceed ten dollars (\$10) for each month the person remains in the deferral program.

SECTION 5. IC 33-19-6-10, AS AMENDED BY P.L.1-2002, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) In each action in which a person is found to have:

(1) committed an offense under IC 9-30-5;

(2) violated a statute defining an infraction under IC 9-30-5; or

(3) been adjudicated a delinquent for an act that would be an offense under IC 9-30-5, if committed by an adult;

and the person's driving privileges are suspended by the court or the bureau of motor vehicles as a result of the finding, the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) **and a uniform roadside memorial fee of one dollar (\$1).**

(b) In each action in which a person is charged with an offense under IC 9-30-5 and, by a plea agreement or agreement of the parties that is approved by the court:

(1) judgment is entered for an offense under:

(A) IC 9-21-8-50;

(B) IC 9-21-8-52;

(C) IC 7.1-5-1-3; or

(D) IC 7.1-5-1-6; and

(2) the defendant agrees to pay the alcohol and drug countermeasures fee;

the clerk shall collect an alcohol and drug countermeasures fee of two hundred dollars (\$200) **and a uniform roadside memorial fee of one dollar (\$1).**

SECTION 6. IC 36-1-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6.5. (a) As used in this chapter, "uniform roadside memorial" has the meaning set forth in IC 8-23-1-42.5.

(b) A unit may erect uniform roadside memorials to:

(1) commemorate the victims of vehicular traffic accidents;

(2) serve as a reminder to others of the duty to drive in a safe manner; and

(3) honor public safety workers killed in the line of duty on the unit's road or street system.

(c) If the unit erects uniform roadside memorials under subsection (b), the uniform roadside memorials must conform to the:

(1) requirements for; and



- 1 **(2) specifications of;**
- 2 **uniform roadside memorials erected by the department of**
- 3 **transportation as set forth in IC 8-23-5-9.**

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